

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1268 OF 2005

Shri Jayraj Phatak & Ors. ...Applicants

Vs.

K.Sera Sera Productions Ltd. & Anr. ...Respondents

Shri R.S. Apte with Shri N.R. Bubna for the Applicants.

Ms S.V.Gajare, A.P.P for the State.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 20, 2006.

P.C.:

1. Heard the Advocate for the Applicants. In view of decision of this court in the case of V.K.Jain and Ors. Vs. Pratap V. Padode & Anr. (2005(3) Maharashtra Law Journal Page 778), the learned Advocate for the Applicants seeks permission to withdraw this Application with liberty to file a Revision Application before the appropriate Sessions Court for challenging the order issuing process.

2. A xerox copy of communication dated 18th November, 2006 issued by the Applicant No.1 to his Advocate is taken on record and marked "X" for identification.

3. The learned Advocate for the Applicants prays that ad-interim relief granted earlier be extended for a reasonable time to enable him to apply for appropriate interim relief before the Sessions Court. He submits that delay in filing revision Application may be condoned.

4. Delay in filing revision Application cannot be condoned in this Application. However, the concerned court is bound to take into consideration the pendency of this Application in this court for a considerable time.

5. Hence, I pass the following order:

- (i) Application is dismissed as withdrawn with liberty as prayed.
- (ii) Ad-interim relief granted on 09th March, 2005 by this court is extended for a period of eight weeks from today.
- (iii) If Application for condonation of delay is made

by the Applicant before the appropriate Sessions Court, the concerned court is bound to take a note to the fact that on 15th February, 2005 this Application was filed in this court and the same remained pending in this court till today.

(iv) All contentions on merits are kept open.

JUDGE